

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LABORERS' PENSION FUND et al.,)
Plaintiffs,) Case No. 08 C 6915
v.)
IFE&S, INC., an Illinois Corporation,)
Defendant.) Judge Ruben Castillo

MOTION FOR REVIVAL OF JUDGMENT

Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and Catherine Wenskus, not individually but in her official capacity as the Administrator of the Funds (hereinafter referred to collectively as "Plaintiffs" or "Funds"), by and through their attorneys, Patrick T. Wallace and Sara S. Schumann hereby move this Court to Revive its October 30, 2009 judgment against Defendant IFE&S, Inc. and Christine Garcia. In support of this Motion, Plaintiffs state as follows:

1. On October 30, 2009, this Court entered a judgment in Plaintiffs' favor and against Defendant IFE&S, Inc., in the amount of \$201,959.87, and against Christine Garcia in the amount of \$131,698.93, with the judgment amount against Ms. Garcia to be satisfied jointly and severally with that of the amount against Defendant IFE&S, Inc. A true and accurate copy of this Court's October 30, 2009 judgment order is attached hereto as Exhibit A.
2. \$26,445.93 of the judgment remains due and owing.
3. According to Rule 69(a)(1) of the Federal Rules of Civil Procedure, supplementary proceedings in federal court are governed by applicable state law of the state in which the federal

court resides. *See also TDK Electronics Corp. v. Draiman*, 321 F.3d 677, 680 (7th Cir. 2003) and *Guillen v. Southern Illinois Hospital Services, et al.*, 2013 LEXIS 37950 (S.D. Ill. 2013) (both applying Illinois state law in revival of federal judgments).

4. Revival of judgments in Illinois is governed by 735 ILCS 5/2-1602(a), stating that a judgment may be revived by the filing of a petition to revive within 20 years after the entry of the judgment.

5. Accordingly, the Funds request that the Court's October 30, 2009 judgment against Defendant IFE&S, Inc. and Christine Garcia be revived in the amount of \$26,444.93.

WHEREFORE, Plaintiffs respectfully request that this Court revive its October 30, 2009 judgment against Defendant IFE&S, Inc. and Christine Garcia be revived in the amount of \$26,444.93.

Respectfully submitted,

Laborers' Pension Fund, et al.,

By: /s/Sara S. Schumann
Sara S. Schumann

Laborers' Pension and Welfare Funds
Office of the Fund Council
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(312) 692-1497
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March 20, 2019

CJF

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LABORERS' PENSION FUND, et al.)
Plaintiffs,) Case No. 08 C 6915
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IFFE&S INC., an Illinois corporation,) Judge CASTILLO
Defendant.)

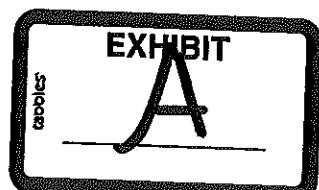
JUDGMENT ORDER

This matter having come to be heard on the Motion of Plaintiffs Laborers' Pension Fund, Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity, and James S. Jorgensen, Administrator of the Funds, (collectively "Funds"), to Enforce the parties' Settlement Agreement, due notice having been given, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED THAT:

1. Judgment is hereby entered in favor of the Funds and against Defendant IFFE&S Inc., in the amount of \$201,959.87 as follows:

- A. \$70,260.94 pursuant to paragraph 1.A. of the Settlement Agreement;
- B. \$48,379.60 in accelerated monthly Note payments pursuant to paragraph 1.B. of the Settlement Agreement;
- C. \$2,548.50 in liquidated damages for the late paid April, 2009 benefits report pursuant to paragraph 1.B. of the Settlement



Agreement;

- D. \$75,820.83 in benefits and dues contributions for the months of May, June, July, and August, 2009, including liquidated damages, pursuant to paragraph 1.B. of the Settlement Agreement; and
- E. \$4,950.00 in attorneys' fees and costs pursuant to paragraph 1.B. of the Settlement Agreement.

2. Judgment is hereby entered in favor of the Funds and against Christine Garcia in the amount of \$131,698.93 as follows:

- A. \$48,379.60 in accelerated monthly Note payments pursuant to paragraph 1.B. of the Settlement Agreement;
- B. \$2,548.50 in liquidated damages for the late paid April, 2009 benefits report pursuant to paragraph 1.B. of the Settlement Agreement;
- C. \$75,820.83 in benefits and dues contributions for the months of May, June, July, and August, 2009, including liquidated damages, pursuant to paragraph 1.B. of the Settlement Agreement; and
- D. \$4,950.00 in attorneys' fees and costs pursuant to paragraph 1.B. of the Settlement Agreement.

3. The foregoing judgment against Christine Garcia is to be satisfied joint and severally with the foregoing judgment against Defendant IFE&S Inc.

4. IFE&S Inc. and Christine Garcia are to pay post judgment interest on all

amounts due from the date of judgment until the judgment is satisfied.

ENTER:



The Honorable Ruben Castillo
United States District Court Judge

Dated: 10/30/09

CERTIFICATE OF SERVICE

The undersigned certifies that she caused a copy of the Motion for Revival of Judgment upon the following persons via personal service.

IFE&S, Inc.
Christine Garcia
President and Registered Agent
2040 W. 16th Street
Broadview, IL 60155

Christina Garcia
4548 N. Melvina
Chicago, Illinois 60630

By: /s/ Sara S. Schumann
Sara S. Schumann